

2. 35 U.S.C. §112. The Examiner has rejected Claim 10 under 35 U.S.C. §112, second paragraph.

Applicant has amended Claim 10 to clarify the invention and address the Examiner's comments. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

3. 35 U.S.C. § 102(b). The Examiner has rejected Claims 1-36 under 35 U.S.C. §102(b) as being anticipated by McMullin (5,809,128).

Applicant respectfully disagrees.

Claims 1-10 and 29:

Claims 1 and 29 have been amended to clarify the invention and appear as follows:

1. A method of controlling a telephone call to an instant messaging user, comprising:
 - receiving at a call server a call directed to the user;
 - identifying an instant messaging service used by the user;
 - sending an instant message to the user through the instant messaging service to offer the user one or more options for responding to the call;
 - If no response is received from the user within a predetermined period of time, controlling the call as specified in a default option; and
 - otherwise:
 - receiving an option selection from the user;
 - controlling the call as specified in said selected option; and
 - wherein when the user selects an option to answer the call and the user is equipped for audio reception only, then said controlling step executes a text-to-speech module to send audio to the caller to allow communication between the user and the caller.

29. A computer readable storage medium storing instructions that, when executed by a computer, cause the computer to perform a method of controlling a telephone call to an instant messaging user, the method comprising:

receiving at a call server a call directed to the user;

identifying an instant messaging service used by the user;

sending an instant message to the user through the instant messaging service to offer the user one or more options for responding to the call;

if no response is received from the user within a predetermined period of time, controlling the call as specified in a default option; and

otherwise:

receiving an option selection from the user;

controlling the call as specified in said selected option; and

wherein when the user selects an option to answer the call and the user is equipped for audio reception only, then said controlling step executes a text-to-speech module to send audio to the caller to allow communication between the user and the caller.

In particular McMullin does not teach or disclose a system wherein when the user selects an option to answer the call and the user is equipped for audio reception only, then said controlling step executes a text-to-speech module to send audio to the caller to allow communication between the user and the caller as claimed in the invention. McMullin makes no mention of such a system. Therefore, McMullin does not contemplate such a system.

McMullin therefore does not teach every aspect of the invention either explicitly or impliedly.

Claims 1 and 29 are in allowable condition. Claims 2-10 are dependent upon independent Claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

Claims 11-28:

Claim 11 has been amended to clarify the invention and appears as follows:

11. A method of handling a telephone call for a subscriber, comprising:
 - receiving at a call server a call for a subscriber;
 - identifying a first computer-implemented instant messaging system used by the subscriber;
 - sending a first instant message to the subscriber through the instant messaging system, wherein said first instant message includes a first set of options for handling the call and one or more of said first set of call handling options comprise links to said call server;
 - if the subscriber selects one of said first set of call handling options:
 - receiving a communication connection from the subscriber, wherein said connection is initiated by the subscriber's selection of a call handling option that comprises a link;
 - handling the call as specified in said selected call handling option;
 - and
 - wherein when said selected call handling option comprises answering the call and the subscriber's device is equipped for audio reception only, then said handling the call step executes a text-to-speech module to send audio to the caller to allow communication between the subscriber and the caller.

In particular McMullin does not teach or disclose a system wherein when the user selects an option to answer the call and the user is equipped for audio reception only, then said controlling step executes a text-to-speech module to send audio to the caller to allow communication between the user and the caller as claimed in the invention. McMullin makes no mention of such a system. Therefore, McMullin does not contemplate such a system.

McMullin therefore does not teach every aspect of the invention either explicitly or impliedly.

Claim 11 is in allowable condition. Claims 12-28 are dependent upon independent Claim 11. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

Claims 30-36:

Claim 30 has been amended to clarify the invention and appears as follows:

30. A call control system for handling calls in real-time, comprising:
- a call receiver module configured to receive a call directed to a subscriber;
 - a database of subscriber profiles, wherein a profile for a first subscriber includes one or more user names of the first subscriber for one or more instant messaging systems;
 - an instant messaging module configured to send an initial instant messaging message to the first subscriber in response to receipt of a call for the first subscriber from a caller; wherein said initial instant messaging message includes a set of options for handling the call;
 - a voicemail module configured to record an incoming message from the caller if the first subscriber selects a voicemail option for handling the call;
 - a message playback module configured to play an outgoing message for the caller if the first subscriber selects a message playback option for handling the call; and
 - an audio module configured to establish an audio connection with the first subscriber if the first subscriber selects a call handling option for answering the call; and
- wherein said audio module is further configured to establish an audio connection with the first subscriber if the first subscriber selects a voicemail with screening option for handling the call.

In particular McMullin does not teach or disclose a system that provides an audio module configured to establish an audio connection with the first subscriber if the first subscriber selects a call handling option for answering the call and wherein said audio module is further configured to establish an audio connection with the first subscriber if the first subscriber selects a voicemail with screening option for handling the call as claimed in the invention.

Applicant has amended Claim 30 to include the elements of Claims 34 and 35. The Office Action states:

"Regarding claim 35, McMullin teaches the call control system of claim 34, wherein said audio module is further configured to establish an audio connection with the first subscriber if the first subscriber selects a voicemail with screening option for handling the call (col. 7 line 50-col. 8 line 4, and col. 11 lines 9-56)."

However, McMullin makes no mention of a voicemail with screening option where an audio connection is established with the subscriber so the subscriber can monitor the voicemail message as it is being recorded. McMullin teaches away from a system as claimed in the invention by simply teaching that an incoming call is redirected to a voice mail system (col. 3, lines 63-66, col. 9, lines 47-63, col. 10, lines 62-65).

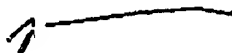
McMullin therefore does not teach every aspect of the invention either explicitly or impliedly.

Claim 30 is in allowable condition. Claims 34 and 35 have been canceled. Claims 30-33 and 36 are dependent upon independent Claim 30. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,



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